CONSTITUTION OF THE YUPIIT OF ALGAACIQ

BEGINNING

WE, THE YUPIIT OF ALGAACIQ, IN ORDER TO PROTECT OUR WAY OF LIFE, INCLUDING OUR DEPENDENCE ON THE LAND, ITS CREATURES AND RESOURCES, MEET FUTURE CHALLENGES TO OUR SURVIVAL, BETTER GOVERN OURSELVES AND OUR RELATIONSHIP TO ALL OTHER GOVERNMENTS AND PEOPLE OF OUR PLANET EARTH, HEREBY RECORD INTO WRITTEN WORDS, OUR CONSTITUTION.

ARTICLE I. ALGAACIQ

Section 1 NAME

The name of our Community shall be **ALGAACIQ.**

ARTICLE II. LAND

Section 1. SELF RESPONSIBILITY

The self responsibility of the Yupiit of Algaaciq shall cover all ***LAND*** *used in the past, now or in the future for the* ***SURVIVAL OF OUR PEOPLE.***

ARTICLE III. MEMBERSHIP

Section 1. MEMBERS

All members of Algaaciq shall have the honor, rights and responsibilities of membership in the Algaaciq community.

ARTICLE IV. RIGHTS AND RESPONSIBILITIES OF MEMBERSHIP

Section 1. RIGHTS AND RESPONSIBILITIES

Among the rights and responsibilities each member of Algaaciq enjoys and undertakes are:

*A. The right to live as **ONE** with the **LAND** and responsibly share its bounty with others;*

B. The right to choose from the best traditions and modern conveniences, so as to lead a better life;

*C. To act as a **Nunam Kitlutsisti** or protector of the **LAND** for present and future generations;*

D. To enjoy the rights and privileges of citizenship in the State of Alaska and United States of America; and

E. The right to vote in any tribal election or meeting.

ARTICLE V. GOVERNING BODY

Section 1. TRIBAL COUNCIL

*The governing body of Algaaciq shall be the **TRIBAL COUNCIL.***

A. COUNCIL MEMBERS

The Council shall be composed of Five (5) members:

(1) President;
(2) Vice-President;
and (3) Three (3) members.

At least two(2) of the Council members shall be Algaaciq elders.

ARTICLE VI. GOVERNMENTAL POWERS OF ALGAACIQ

Section 1. POWERS OF THE COUNCIL

The powers of the Council shall include:

A. The right to protect Algaaciq and its members in all matters that concern the peace, safety, health and well-being of the Community and its Yupiit.

B. All other powers,including those described in the by-Laws, as may be found in the self-responsibility of Algaaciq.

Section 2. POWERS OF THE YUPIIT TOGETHER

The powers of the Yupiit of ALGAACIQ shall include:

A. Overall Powers. The right by majority vote to hold the Council and Community to a way of action in any matter, even if the Yupiit's action takes back a decision of the Council.

B. Use of Land. The right by a majority vote to approve the settlement, change over or other use of Algaaciq lands or other natural resources.

C. Recall Officials. The right to ask that the Council hold an election to take back the Office of a Council member.

ARTICLE VII. REMOVAL OF COUNCIL

MEMBERS.

Section 1. REMOVAL

Any member of the **Council** shall be removed from office by a majority vote of the **Council** upon a finding by the **Council** that the member has brought shame upon the **Yupiit** or government of **Algaaciq**.

ARTICLE VIII. By-Laws

Section 1. ADOPTION

The **Council** shall adopt by-laws and necessary changes implementing this Constitution . Any by-laws adopted shall become binding on the **Council** and **Community**, so long as the by-laws and amendments are consistent with this Constitution.

ARTICLE IX. CONSTITUTIONAL AMENDMENT

This Constitution may be amended by a majority vote of at least thirty percent (30%) of the members of Algaaciq.

ARTICLE X. ADOPTION

This Constitution, when adopted by a majority vote of at least thirty percent (30 %) of the members of Algaaciq, shall be effective from the date that approval is given.

CERTIFICATION

AT AN ELECTION HELD ON THE 14th **DAY OF** December **19884, BY ALGAACIQ, THE ABOVE CONSTITUTION WAS PRESENTED TO THE YUPIIT OF**

ALGAACIQ FOR THEIR APPROVAL BY THE COUNCIL AND WAS ADOPTED BY 42 VOTES FOR AND 2 VOTES AGAINST, IN AN ELECTION IN WHICH AT LEAST THIRTY PERCENT (30%) OF THE MEMBERS VOTED.

PRESIDENT, TRIBAL COUNCIL

SECRETARY/TREASURER

ALGAACIQ CONSTITUTIONAL BY-LAWS

BEGINNING

The following "By-laws" are meant to better define and put into effect our Algaaciq Constitution.

These "By-laws" are divided into two parts. Part one reflects the original ten Articles of the Constitution. Part two represents additional implementing by-laws. Cali ("more").

PART ONE

ARTICLE I. Algaaciq

Our Community, Algaaciq, is the Yup'ik Eskimo word for a local river. Our community is also known Kassatun as "St. Mary's." Cali.

ARTICLE II. Land

Definition: Self-Responsibility

We desire to use the word "self-responsibility," rather than "sovereignty." To us, the two words are the same. The advantage of "self-responsibility" is that it is less likely to be misunderstood by others. Cali.

By "self-responsibility" we mean the right to be responsible for our own actions and decisions. However, the exercise of our "self-responsibility" does not mean that we wish to live without the help of others. We simply want to be able to better determine for ourselves what is best for the Yupiit and those who follow them. Cali.

Definition: Land ("Nuna")

The Yupiit of Algaaciq have used and occupied the Nuna in and around our village before all other peoples. Our Yupiit have never surrendered, transferred, lost or otherwise given up our aboriginal rights to the Nuna. Cali.

In our Culture we can never own the Nuna, but only be

its caretakers. We realize, however, that we must live in harmony with other cultures. Therefore, we define the Nuna over which we exercise "self-responsibility" as extending to:

A. The Algaaciq village townsite;

B. All "Alaska Native Claim Settlement Act" lands transferred to the Yupiit of Algaaciq;

C. To all lands constituting the Community of Algaaciq, as defined under federal law by the term "Indian country," and to such other lands as may be added in any way in the future;

D. All Native allotments and restricted lands;

E. All traditional, current and future hunting, fishing and food gathering lands, as determined by our elders; and

F. All historical and religious sites and cemetaries. Cali.

ARTICLE III. Membership

A. Basic Membership.

The Yupiit of Algaaciq have never restricted membership in our community to any particular race, group or religion. Our community has always been guided by the spirit of "Waqaa." We welcome all those who will let live and respect our way of Life and Culture. Cali.

The Council shall have the authority, subject to Article VI, Section 2(A) of our Constitution, to determine who shall be a member of Algaaciq. Cali

The Council shall maintain a listing of community members who meet the above membership standards and any other reasonable standards set by the Council. Cali.

We recognize that some members of our Community, although recognized by the Council, may not meet the definition of "Indian" or "Native" for Federal program purposes. The Council will do everything possible to see that these members enjoy membership in the Algaaciq Community to the greatest extent possible. Cali.

B. Regulation of Membership.

The Council shall have the power to adopt laws controlling membership in the Algaaciq Community. Cali.

C. Honor of Membership.

The honor of membership in the Algaaciq Community includes:

(1) Being able to pick and choose the very best of the traditional and modern ways;

(2) Being a caretaker for the Nuna; and

(3) Remaining in touch with our Planet Earth. Cali.

ARTICLE IV. Rights and Responsibilities of Membership

A. Rights

Among the rights enjoyed by the members of the Algaaciq community are the following:

(1) All members of Algaaciq shall have the right to share in the natural resources of Algaaciq.

(2) The consent of the majority of Algaaciq members over the age of eighteen (18) years shall be required prior to the sale, lease, incumbrance or disposition of any Algaaciq lands, interests in lands, or other Algaaciq natural resources, as provided in Article VI, Section 2(B) of our Constitution.

(3) Community members shall, in a respectful way, have the right to review and question the work of the Council, including its records. Cali.

B. Responsibilities

Among the responsibiliiities of membership in the Algaaciq community are the following:

(1) Respecting elders;.

(2) Cooperation;

(3) Sharing; and

(4) Living the Way of Life of the Yupiit. Cali.

ARTICLE V. Governing Body

A. Selection Qualifications and Quorum

(1) Selection

(a) Council members shall be elected at large by secret ballot of a majority of eligible voters of Algaaciq voting in a Council election. Cali.

(2) Qualifications

a. Be eighteen (18) years of age or older;

b. Behave themselves so as to not bring shame on the Yupiit and government of Algaaciq;

c. Have resided in Algaaciq for twelve (12) months prior to their election to the Council; and

d. Be a member of Algaaciq.

(3) Quorum

a. A quorum of the Council shall consist of three members, one of whom shall be an elder. Cali.

ARTICLE VI. Governmental Power of Algaaciq

A. Scope of Powers of the Council

The scope of power of the Council shall include, but not be limited to, the following:

(1) To seek ways of bringing together the best of Algaaciq's Traditions, cultures, religion, subsistence economy and Way of Life, with the challenges of a rapidly changing Planet, so as to insure the harmony and viability of Algaaciq;

(2) With Yupiit membership consent, as provided in Article IV, Section 2(b), of our Constitution, to do all things necessary to protect, acquire, dispose of and manage Algaaciq lands and natural resources for the benefit of present and future generation of Algaaciq. Cali.

(3) To make laws governing the relationship of Algaaciq members, and where appropriate, non-members, to Algaaciq property and to one another as members of Algaaciq.

(4) To hire employees, independent contractors and legal counsel, subject to the approval of the Secretary of Interior, whenever such approval is required by Federal law.

(5) To enact and enforce laws governing the conduct of persons under the jurisdiction of Algaaciq.

(6) To levy and collect taxes, not inconsistent with Federal law.

A. Scope of Powers of the Yupiit Together

(1) Quorum: The Community shall be properly assembled when a quorum of thirty percent (30%) of the members of the Community meet for a particular reason. Cali.

(2) Community Vote: a majority of a quorum of the

members of the Community shall determine any issue before the Yupiit. Cali.

(3) Recall: upon receipt by the Council of a petition asking for the recall of any member of the Council, signed by at least thirty percent (30%) of the members of Algaaciq voting in the last Council election, it shall be necessary for the Council to call a special election for the recall of the elected official. Cali.

ARTICLE VII. Removal

A. Shame

Among other things, we define "shame" under Article VII, Section 1 of our Constitution, as:

(1) a conviction for criminal conduct;

(2) intoxication affecting the ability of a Council member to function as a respected Community official, both inside and outside of Algaaciq; and

(3) other behavior which negatively reflects upon the Yupiit and government of Algaaciq. Cali.

ARTICLE VIII. By-laws

Section 1. Adoption

(A) Majority Vote: A majority vote of the Council is needed to adopt a by-law. Cali.

ARTICLE IX. Constitutional Amendment. Cali.

ARTICLE X. Adoption. Cali.

PART TWO

In order to further implement our Constitution, both now and in the future, we adopt the following by-laws:

(1). Vacancy. In the event of a vacancy for any reason on the Council, the Council, by majority vote, shall select a replacement. The replacement shall serve the unexpired term of the Councilmember replaced.

(2). Loss of Office. If any member of the Council shall be absent from three (3) consecutive Council meetings, without being excused by the Council, that member shall automatically

lose his or her office. Cali.

(3). First Election. The first regular election of the Councilmembers under the Constitution shall be held as soon as possible after the adoption of the Constitution by the Yupiit. Terms of office for the first elected Council shall be established by lottery at the first meeting of the Council under the Constitution inorder to establish a system of staggered terms.

(4). Elections.

(a). Voting Qualifications: Any member of the Algaaciq Community, recognized as a member by the Council, who is eighteen years of age or older at the time of the election, has the right to vote in any Algaaciq election. Cali.

(5). Separation: If any part of our Constitution or by-laws is declared invalid by a court of proper jurisdiction the part declared invalid shall be removed; the remainder of the Constitution or by-laws shall remain valid. Cali.

(6). Past Council Actions: All actions of the Council taken prior to the passage of the Constitution and these by-laws shall remain in effect to the extent the actions are not inconsistent with the Constitution or these By-laws.

ADOPTION

At an Algaaciq Council meeting held after the community adoption of the "Constitution of the Yupiit of Algaaciq", the above "Algaaciq Constitutional By-Laws" were approved by five (5) votes for, and no (0)votes against.

Dated this the 14th day of December, 1984.

COUNCIL PRESIDENT

SECRETARY/TREASURER